

York Planning Board  
August 23, 2023  
Public Hearings & Meeting

Present: Joe McIlroy, Alan Brightman, Chris Wall, Zack Kobylanski, Steven Carroll

Others: Donna Falkner, Kurt Richenberg, Jim Campbell, Esq., Chris Noble, Mike Shantz, Michael Boerman, Patricia Finocchiaro, Carolyn Carlin, Barry Ritzenthaler, Tom & Corinne Aquilina, Molly Cummings, David Rose, Scott Hulburt (ZBA)

7 p.m. – Mr. McIlroy opened the public hearing for Natural Upcycling LLC and read the public notice:

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Code of the Town of York, and pursuant to New York State Town Law, that a public hearing shall be held by the Planning Board of the Town of York at the Town of York Town Hall, located at 2668 Main Street, York, New York at 7:00 p.m. on Wednesday, August 23, 2023 for the purpose of considering public opinion and comment about or concerning the following:

**A request by Chris Noble of Natural Upcycling to repurpose the former Tabtronics -building on Route 63, tax map # 70.-1-11 in Mixed Use Zoning into recycling expired/unused food products for digester and into animal feed.**

A copy of the application materials and other relevant submissions are available for review by the public at the office of the Town Clerk during regular Town Clerk hours and will be published on York's website.

All interested persons are invited to appear and be heard at the aforesaid time and place.

Dated: July 26, 2023

By Order of the Planning Board of the Town of York  
*Donna K. Falkner*, Planning Board Clerk

Mr. McIlroy than read the county response:

From: SLJohnson@co.livingston.ny.us On Behalf Of LCPlanningBoard@co.livingston.ny.us  
Sent: Friday, August 11, 2023 8:25 AM To: Code Enforcement Officer Cc:  
schulbur@hotmail.com; abpierce4@gmail.com Subject: Re: Site Plan, and Special Use Permit review

Good morning, We have received Zoning Referral #2023-061 in accordance with the provisions of Section 239-l and m of the NYS General Municipal Law. The Livingston County Planning Department has reviewed this application and, in consultation with the Town of York County Planning Board representative, determined that it has no significant Countywide or inter-municipal impact in regard to existing County plans, programs, and activities. Therefore, approval or disapproval of this application is a matter of local option. Please be aware that a determination of "No Significant Countywide Impact" should not be interpreted as either

approval or disapproval by the County Planning Board. If you have any questions, please do not hesitate to contact me at 243-7550. I have attached a copy of the Final Action Notification form for you to fill out and return to our office once the Town has made their final decision on this referral. Thank you,  
Stephanie Johnson Administrative Secretary Livingston County Planning Department

Mr. McIlroy asked Mr. Noble to give a summary and for comments from the public afterwards.

Mr. Noble explained what they wanted to do with the Tabtronics building- they would take food wastes, de-package them, compact them and recycle instead of taking them to landfills. Until now they've done the various stages in several places and want to consolidate it in this facility in Retsof. They are looking for a special use permit and site plan approval.

Ms. Carlin wanted to know if there would be a smell and if truck traffic would increase.

Mr. Noble replied that there would be some smell in the trucks themselves and maybe a little bit outside of them. He said that there would be 4-8 trucks per day, 10-15 employees.

Mr. Ritzenthaler asked about rodents and Mr. Noble said there wouldn't be any.

Mr. Shantz from Canada said they would be using dairy returns and recycling milk products making it into a powder used to feed animals between their mother's milk and dry feed. They have a small family farm in Canada. They're looking at 2-3 dryers in Retsof about the same size. They got an air and noise quality done and certified by the Canadian government for their facility. They are going to put in a wet scrubber in this facility to help keep the smell down and you probably won't notice any difference in truck traffic. Dryers will run until midnight. No product in or out after 5 pm. Mr. Noble said 8-4 operation and nothing processed beyond animal feed, all else brought to the farm.

Ms. Carlin and Ms. Finnocchairo were concerned about truck traffic speeding through there.

7:17 p.m. – Mr. McIlroy paused the hearing to open the public hearing for Just a Kitchen LLC

Mr. Campbell read the ad:

NOTICE IS HEREBY GIVEN, pursuant to the provisions of the Code of the Town of York, and pursuant to New York State Town Law, that a public hearing shall be held by the Planning Board of the Town of York at the Town of York Town Hall, located at 2668 Main Street, York, New York at 7:15 p.m. on Wednesday, August 23, 2023 for the purpose of considering public opinion and comment about or concerning the following:

**A request by Corinna Aquilina of Just A Kitchen LLC to build a 10' x 14' prefab shed converted into a commercial kitchen on their property at 2232 River Rd. Caledonia, tax map 42-5-1-41.3 in Hamlet Residential.**

A copy of the application materials and other relevant submissions are available for review by the public at the office of the Town Clerk during regular Town Clerk hours and will be published on York's website.

All interested persons are invited to appear and be heard at the aforesaid time and place.

Dated: July 13, 2023

By Order of the Planning Board of the Town of York

Donna K. Falkner, Planning Board Clerk

Mr. McIlroy read the county letter:

From: SLJohnson@co.livingston.ny.us on behalf of LCPlanningBoard@co.livingston.ny.us Sent: Friday, July 14, 2023, 9:54:53 AM To: Code Enforcement Officer Cc: schulbur@hotmail.com ; abpierce4@gmail.com Subject: Re: Planning Board review

Good morning, We have received Zoning Referral #2023-053 in accordance with the provisions of Section 239-l and m of the NYS General Municipal Law. The Livingston County Planning Department has reviewed this application and, in consultation with the Town of York County Planning Board representative, determined that it has no significant Countywide or inter-municipal impact in regard to existing County plans, programs, and activities. Therefore, approval or disapproval of this application is a matter of local option. Please be aware that a determination of "No Significant Countywide Impact" should not be interpreted as either approval or disapproval by the County Planning Board. I have attached a copy of the Final Action Notification form for you to fill out and return to our office once the Town has made their final decision on this referral. If you have any questions, please do not hesitate to contact me at 243-7550.

Thank you,

Stephanie Johnson Administrative Secretary Livingston County Planning Department

Mr. McIlroy asked if there were any more comments regarding Natural Upcycling LLC

Mr. Richenberg asked if there was any tax incentive. Mr. Noble replied no. He also asked what the closest market was. Mr. Shantz said the milk fat benefits baby pigs and since there weren't many here in New York they'd probably take it to Pennsylvania and Ohio pig farms.

Mr. Richenberg asked when they de-package are there crushers to destroy the package. Mr. Noble said they go through a squeezer or shredder, rinsed, and baled or put it into a garbage receptible. They plan on collecting the rinsed material and putting it in the digester. There are no drains. The septic is just for the bathrooms.

Mr. Shantz said there are a lot of issues at the border with crossing because of differences. Canada is a protective system for their milk. There's enough feed stock here so won't have to transport it hours away.

Mr. Richenberg said at the last meeting you said no expansion. Mr. Noble said there are no plans now but if they did it would be out the back of the building.

Mr. McIlroy asked for any more comments.

Mr. Shantz said the pork industry is struggling right now but they are surviving; it's not going to go away.

Mr. McIlroy went on to Just a Kitchen LLC

Mrs. Aquilina stated that she was part of Farm Drop, did Perry Seniors luncheons, and catered. She needs a separate small kitchen per health department, zoning, and Livingston County. She does have a license for baked goods. She delivers to groups (usually under 30). She uses local products in her preparation of foods.

Mr. Richenberg said their special use permit is needed for a home occupation. But isn't it allowed in hamlet residential? It's a separate accessory building.

Mr. Richenberg said there wasn't a motion in last month's meeting minutes to reschedule the public hearing for Just a Kitchen LLC. Mr. McIlroy said he had written down in his notes but it inadvertently got left out of the draft minutes. Will have to make an amendment to July minutes.

Ms. Cummings stated that True North used Corinne and she provides wonderful food and is a great asset to the town.

Mr. McIlroy opened the planning board meeting and led the pledge.

**Resolution:**

Mr. Kobylanski moved to close the public hearing for Natural Upcycling LLC, Mr. Wall seconded, carried.

Ayes – 4                      Nays – 0

**Resolution:**

Mr. Brightman moved to close the public hearing for Just a Kitchen LLC, Mr. Wall seconded, carried.

Ayes – 4                      Nays – 0

Add a correction to July 26, 2023 minutes:

Correction: Add the language "A motion was made to move the public hearing for Just a Kitchen to August 23, 2023, at 7:15 pm. Motion was carried."

**Resolution:**

Mr. Wall moved to approve the July 26, 2023 minutes as corrected above, Mr. Brightman seconded, carried.

Ayes – 4                      Nays – 0

Just a Kitchen – Mr. Campbell led the Board through its review of SEQR Parts 2 and 3:

Agency Use Only [If applicable]

Project:	Just A Kitchen LLC
Date:	8/23/2023

**Short Environmental Assessment Form  
Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

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Agency Use Only [If applicable]

Project: Just a Kitchen LLC  
Date: 8/23/2023

**Short Environmental Assessment Form**  
**Part 3 Determination of Significance**

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<u>Verk Planning Board</u>	<u>8/23/2023</u>
Name of Lead Agency	Date
<u>Joe Mastroy</u>	<u>Chairman</u>
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<u>[Signature]</u>	<u>[Signature]</u>
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**

**Resolution:**

Mr. Wall moved to adopt the findings for SEQR part 2 for Just a Kitchen, Mr. Kobylanski seconded, carried.

Ayes – 4

Nays – 0

**Resolution:**

Mr. Brightman moved to declare a negative declaration, Mr. Wall seconded, carried.

Ayes – 4

Nays – 0

**Resolution:**

Mr. Kobylanski moved to authorize the chairman, Mr. McIlroy, to sign the SEQR documents for Just a Kitchen, Mr. Wall seconded, carried.

Ayes – 4

Nays – 0

Mr. McIlroy asked if there were any questions about the special use permit for Just a Kitchen. He doesn't see the need for any conditions since no one was going in or out there. He asked for a motion for the special use permit.

**Resolution:**

Mr. Kobylanski moved to approve the special use permit for Just a Kitchen, Mr. Wall seconded, carried.

Ayes – 4

Nays – 0

Natural Upcycling LLC – Mr. Campbell led the Board through its review of SEQR Parts 2 and 3:

Project: Natural Vandy LLC  
 Date: 8/23/2023

**Short Environmental Assessment Form**  
**Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:		
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**PRINT FORM**



Agency Use Only [If applicable]

Project: Mohawk Valley LLC  
Date: 8/23/2023

### Short Environmental Assessment Form Part 3 Determination of Significance

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

<input type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
<input checked="" type="checkbox"/>	Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.
<u>York Planning Board</u>	<u>8/23/2023</u>
Name of Lead Agency	Date
<u>Joe M. Ellis</u>	<u>Chairman</u>
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
<u>[Signature]</u>	<u>[Signature]</u>
Signature of Responsible Officer in Lead Agency	Signature of Preparer (if different from Responsible Officer)

**PRINT FORM**

**Resolution:**

Mr. Kobylanski moved to adopt the findings made for SEQR part 2 for Natural Upcycling LLC, Mr. Wall seconded, carried.

Ayes – 4                      Nays – 0

**Resolution:**

Mr. Brightman moved to declare a negative declaration, Mr. Kobylanski seconded, carried.

Ayes – 4                      Nays – 0

**Resolution:**

Mr. Kobylanski moved to authorize the chairman, Mr. McIlroy, to sign the SEQR part 2 for Natural Upcycling LLC, Mr. Wall seconded, carried.

Ayes – 4                      Nays - 0

Mr. McIlroy asked if there were any comments or questions on Natural Upcycling LLC. He thinks odor is the biggest concern, performance standards in zoning and how will you mitigate it once its ongoing.

Mr. Noble said we can always divert material to another site if there is an odor issue and shut it down until it's fixed.

Mr. Campbell – if there is a problem they can be put on notice and they will either have to remediate the issue or stop operations until they come up with a solution. If not addressed, the Town can issue appearance tickets and take action in court.

Mr. Wall – the truck stop was asked to get mobile speed limit signs; can we do the same for this project?

Mr. Campbell – It could be made a condition to approval, but the signs have to meet the criteria of DOT. Highway Superintendent Worden seemed to prefer pole-mounted signs, rather than trailer mounts. Put them between the tracks and plant entrance.

Mr. Noble – can site plan approval have that as a condition, subject to approval of DOT? Would like to start in October.

Mr. Carroll – should we rely on code for odor, or do we have written action plan?

Mr. Shantz – scrubber works extremely well getting rid of odor.

Mr. Campbell – A condition to the Special Use Permit could be that if there is odor exceeding the design criteria, a filter system could be required to be added until odor is eliminated, otherwise cease operations.

Mr. McIlroy – Final Site Plan, Mr. Carroll yes and Mr. Brightman yes on plant entrance signs.

Mr. Campbell – may have to defer to the highway department. Mr. Carroll – could Mr. Worden ask the county highway department. Mr. Campbell said it’s up to the applicant. The Board might prefer language that says that the applicant needs to apply within 10 days for DOT approval for plant entrance sign.

Mr. Brightman asked who handles an odor problem?

Mr. Campbell – the Code Enforcement Officer may have to use a consultant to determine whether the odor exceeds the design criteria.

**Resolution:**

Mr. Kobylanski moved to approve the site plan for Natural Upcycling LLC, Mr. Brightman seconded, carried.

Ayes – 4                      Nays – 0

Mr. McIlroy – need a special use permit because of mixed use district, p. 22, 407c (1) in zoning. Are there any questions regarding criteria? A list of conditions will be added to the special use permit.

**Resolution:**

Mr. Brightman moved to approve the special use permit for Natural Upcycling LLC with 5 conditions, Mr. Kobylanski seconded, carried.

Conditions:

1. Within 10 days apply to DOT and highway department for a plant entrance sign at the crest of the hill west of plant
2. Applicant will add filter process for odor that exceeds design criteria until odor is eliminated or stop process.
3. No trucks or reefers are allowed to run in parking lot between 7 pm-7 am
4. No outside storage (not including roll offs)
5. No discharge into sanitary sewers other than bathrooms. If they require any discharge into sanitary sewer, need to obtain permission and approval from the Town.

Ayes – 4                      Nays - 0

**Resolution:**

Mr. Wall moved to adjourn at 8:30 pm, Mr. Kobylanski seconded, carried.

Ayes – 4                      Nays -

